



02 AUG 2007

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In re Application of :
ENDO *et al* :
U.S. Application No.: 10/510,245 :
PCT No.: PCT/JP03/04751 :
Int. Filing Date: 15 April 2003 :
Priority Date: 16 April 2002 :
Attorney Docket No.: 040474 :
For: RESIST REMOVING APPARATUS :
AND METHOD OF MOVING RESIST :

DECISION

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 23 July 2007.

BACKGROUND

On 21 May 2007, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 23 July 2007, a renewed petition under 37 CFR 1.47(a) was filed.

DISCUSSION

Applicants have been unable to locate co-inventor, Mr. Atsushi Sato and filed the renewed petition under 37 CFR 1.47(a). As previously indicated, a petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventors.

Items (2) and (4) are still required to complete after the initial petition.

Concerning item (4), a new declaration signed by three of the four named inventors was provided. This declaration is in compliance with 37 CFR 1.497(a) and (b) and meets the requirements of section 409.03(a) of the MPEP. Item (4) is now satisfied.

With regard to item (2), the prior decision mailed 21 May 2007 stated:

There is no evidence that petitioners attempted to locate Mr. Sato using the internet or a telephone directory . . . Moreover, copies of the items mailed 27 September 2004 were not included in the petition despite the claim in paragraph 3 of the declaration by Mr. Kokubun. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached must be submitted with any renewed petition."

In the renewed petition, applicants have provided copies of documentary evidence that may satisfy the requirements noted above. However, the documents are in Japanese and not accompanied with an English translation. As such, these documents are not acceptable. An English translation of the letters, emails and postal receipts are required. A translation of the internet YAHOO search results are not required.


For this reason, item (2) is still not satisfied.

CONCLUSION

For the reasons noted above, applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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